



**Montana Department of Transportation**  
**PO Box 201001**  
**Helena, MT 59620-1001**

**MEMORANDUM**

**To:** See Distribution  
**From:** Kevin Christensen, P.E.  
Construction Engineer  
**Date:** November 30, 2006  
**Subject:** Supplemental Specification Revision: 104.05.2 Failure to Properly Maintain Roadway

The Construction Administration Services Bureau is proposing revisions to Standard Specification, 104.05.2. Following the Standard Specification Revision Process outlined in the Construction Engineer's Memorandum dated January 9, 2002 the following information is provided.

1. Standard Specification, 104.05.2 will be modified.
2. The Proposed Draft of the change is attached along with this memorandum.
3. Revision to the Standard Specification is needed to ensure that necessary repairs are made to construction projects in a timely manner.
4. Those impacted by the change include:  
  
Contractors, MDT Maintenance Division, EPM's, CAS Bureau
5. The following individuals were consulted and/or involved in developing the proposed revisions:

MDT Chief Engineer, Legal, Maintenance, Construction Bureau's

*It is requested that written comments on **the proposed revisions only**, be returned to [mdtspecifications@mt.gov](mailto:mdtspecifications@mt.gov) no later than December 29, 2006.*

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**104.05.2 Failure to Properly Maintain Roadway or Structure**

The Project Manager will immediately notify the Contractor if it fails to maintain the project.

Failure to begin to remedy unsatisfactory maintenance within 4 hours of notification may result in:

- The Department performing the required repair. The cost of the repair will be deducted from monies due or to become due to the Contractor, or otherwise be billed to the Contractor.
- Contract time being charged. Contract time will be charged starting on the day of the Department's initial notification and will continue until the repairs are made and the Project Manager approves the repairs.